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REMARKS/ARGUMENTS

Claims 1-18 are pending in this application, and claims 1-18 have been rejected. For at least the reasons stated below, Applicant asserts that all claims are in condition for allowance.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng et al. (U.S. Patent No. 6,151,643) in view of Cooper et al. (U.S. Patent No. 5, 809,282). The cited references, each alone or in combination, do not teach or suggest all the claim limitations as required by MPEP § 2143. Therefore, this rejection is inappropriate and Applicant respectfully requests that Examiner withdraw the § 103 rejection.

The present invention generally provides for improving an existing application infrastructure of an application service provider, including:

- prompting a user to identify at least one aspect of an existing application infrastructure utilizing a network;
- inputting the at least one aspect of an existing application into a knowledge database;
- receiving the identification of the at least one aspect of the existing application infrastructure utilizing the network;
- analyzing the at least one aspect of the existing application infrastructure using a spreadsheet stored in a database; and
- proposing improvements to the existing application infrastructure based on the analysis utilizing the network.

Because *Cheng* and *Cooper*, each alone or in combination, do not teach or suggest every element of every claim, Applicant respectfully requests that Examiner's § 103 rejections be withdrawn.

(a) The References Fail to Teach or Suggest Identifying and Analyzing At Least One Aspect of an Existing Application Infrastructure As Claimed

The present claimed invention recites, *inter alia*, "prompting a user to identify at least one aspect of an existing application infrastructure utilizing a network...[and] analyzing the at least one aspect of the existing application infrastructure." Moreover, the invention proposes "improvements to the existing application infrastructure based on the analysis" of the identified aspect or characteristic. *Cheng* and *Cooper* fail to teach or suggest these limitations.

In contrast, the references describe analyzing individual computers for software that requires updating, whereas the present claimed invention is directed towards updates and improvements to the ASP's application infrastructure, which is distinct from the software on the individual computers that receive services from the ASP. *Cheng* and *Cooper* fail to teach or suggest proposing improvements to an existing application infrastructure based on the analysis of the identified aspect as claimed.

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Rather, the *Cheng* reference, which allegedly discloses these features of the present claimed invention, actually describes two distinct activities: (1) updating a service provider database as new software updates become available from software vendors to the service provider, and (2) analyzing an individual computer to determine the software products installed thereon and then consulting with the service provider's database to determine if there are relevant updates.

Specifically, the first activity involves updating a service provider's database when new software is available from vendors. When new software updates become available from the vendors, either the vendors or the service provider updates the database with information about the update. Col. 18, 16-53. This activity takes place on a service provider-level, providing for instances when new software is made available to the service provider. The second activity, in contrast, involves analyzing an individual computer that accesses applications provided by the service provider. Specifically, a client application analyzes a client computer to determine a list of installed software products, determines if there is an applicable software update by consulting with the service provider's database, and displays the list of applicable software updates to the user. Col. 7, lines 54-64. Importantly, the "user" here—who is the user of the client computer—is distinct from the "user" who enters new software update information into the service provider's database. The latter "user" is a representative of the vendor of the service provider. *See*, Col. 18, 16-53.

In contrast, the present claimed invention analyzes an aspect of an existing application infrastructure and proposes improvements to that existing application infrastructure based on the analysis. *Cheng* may describe analyzing a single client computer—but not the service provider's actual application infrastructure as claimed—but *Cheng* clearly does not teach or suggest proposing improvements to the overall application infrastructure as claimed. In other words, the claimed application infrastructure improvements are not merely software updates to an individual client computer as described by *Cheng*, but rather they are improvements to the actual infrastructure.

Moreover, even assuming *arguendo* that "analyzing the at least one aspect of the existing application infrastructure...[and] proposing improvements to the existing application infrastructure..." is disclosed by *Cheng* where the reference describes analyzing an individual computer, such teaching clearly fails to disclose "prompting a user to identify at least one aspect of an existing application infrastructure," where the "application infrastructure" is the same element in the "prompting" step as it is in the "analyzing" and "proposing" steps. Specifically, insofar as *Cheng* teaches or suggests "analyzing" an aspect of the application infrastructure and "proposing" improvements to the application infrastructure, *Cheng* could only teach these elements if it is assumed that the application infrastructure is disclosed by the client computer. *See*, Col. 7, lines 54-

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64 (describing analyzing the client computer and displaying updates for the client computer).

However, where *Cheng* allegedly discloses "prompting a user..." *see* col. 18, 16-53, the reference describes vendors or the service provider using forms to update a database with information about new software updates that are available for the service provider, which in turn may offer the updates to the client computers. *See, also*, Figs. 17a-17d.

Thus, whereas analyzing an individual client computer only assesses which software is installed on that individual machine, vendors or the service provider enter information into the database about generally available software updates offered by the service provider's system. These activities are disconnected insofar as the set of software updates to a client computer and the set of software updates offered by a service provider's system—although having some overlap—do not completely intersect. Each individual client computer will not ultimately receive the identified software updates available from the service provider's system; the client computers will only receive the updates for the software to which they are subscribed.

Finally, the *Cooper* reference, which allegedly discloses inputting the application infrastructure aspect into a knowledge database, also fails to disclose the above-mentioned features of the present invention, either alone or in combination with *Cheng*. Specifically, *Cooper* describes a system for modifying a network architecture, *see* abstract, but the reference does not disclose improving application service providers' infrastructures. Accordingly, the teachings of *Cooper* fail to teach or suggest the "prompting," "analyzing," or "proposing" steps of the present claimed invention and would not be properly combinable with *Cheng* to teach or suggest the same.

For at least these reasons, the cited references fail to teach or suggest every element of claims 1-18, and Applicant respectfully requests that Examiner's § 103 rejections be withdrawn.

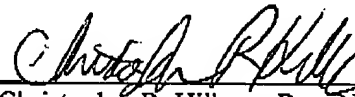
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CONCLUSION

Applicant submits that all pending claims are allowable and respectfully requests that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (612) 607-7386. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Reference 60021-341801).

Respectfully submitted,

By



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